

II

96TH CONGRESS
2D SESSION

H. R. 6086

file
Assoc. file

IN THE SENATE OF THE UNITED STATES

APRIL 22 (legislative day, JANUARY 3), 1980

Read twice and referred to the Committee on the Judiciary

AN ACT

To provide for the settlement and payment of claims of United States civilian and military personnel against the United States for losses resulting from acts of violence directed against the United States Government or its representatives in a foreign country or from an authorized evacuation of personnel from a foreign country.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 That the Military Personnel and Civilian Employees' Claims
4 Act of 1964 (78 Stat. 767, 31 U.S.C. 240 et seq.) is
5 amended by adding at the end thereof the following new sec-
6 tion:

1 “SEC. 9. (a) Subject to any policies that the President
2 may prescribe, the head of any agency, or his designee, may
3 settle and pay not more than \$40,000 for any claim against
4 the United States made by a member of the uniformed serv-
5 ices under the jurisdiction of that agency or by a civilian
6 officer or employee of that agency for damage to, or loss of,
7 personal property in a foreign country, incurred on or after
8 December 31, 1978, which damage or loss was incident to
9 the service of that member, officer, or employee, and

10 “(1)(A) that member, officer, or employee was
11 evacuated from that country on or after December 31,
12 1978, in accordance with a recommendation or order
13 of the Secretary of State or other competent authority
14 which was made in response to incidents of political
15 unrest or hostile acts by people in that country, and
16 (B) that damage or loss resulted from that evacuation
17 or from any such incident or hostile act; or

18 “(2) that damage or loss resulted from acts of
19 mob violence, terrorist attacks, or other hostile acts,
20 directed against the United States Government or its
21 officers or employees.

22 “(b) The head of the agency, or his designee, authorized
23 under subsection (a) to settle and pay a claim of a person
24 described in such subsection may, if such person is deceased,
25 settle and pay any claim made by the decedent's surviving (1)

1 spouse, (2) children, (3) father or mother, or both, or (4)
2 brothers or sisters, or both, that arose before, concurrently
3 with, or after the decedent's death and is otherwise covered
4 by this section. Claims of survivors shall be settled and paid
5 in the order set forth in the preceding sentence.

6 “(c) A claim may be allowed under this section only if it
7 is presented in writing within two years after the claim
8 accrues, or within one year after the date of the enactment of
9 this section, whichever is later.

10 “(d) The head of each agency shall issue regulations to
11 carry out this section. The same standards applied in adjudi-
12 cating a claim under section 3 of this Act shall be applied in
13 adjudicating a claim under this section. Any claim to which
14 this section applies but which has been adjudicated under
15 section 3 of this Act by the applicable head of an agency
16 before the date of the enactment of this section shall not be
17 adjudicated under this section, but any amount of loss adjudi-
18 cated under such section 3 in connection with that claim
19 which has not been paid shall be payable to the extent per-
20 mitted in this section.

21 “(e) Upon payment of a claim under this section, the
22 United States shall, to the extent of the amount of such pay-
23 ment, be subrogated to any right or claim, with respect to the
24 same damage or loss for which the claim under this section

1 was paid, that the claimant may have against the foreign
2 country in which that damage or loss occurred.”.

3 SEC. 2. No funds may be obligated or expended pursu-
4 ant to the amendments made by this Act, for fiscal years
5 beginning on or after October 1, 1980, except to the extent
6 provided in advance in appropriation Acts. Any payments
7 made pursuant to such amendments before October 1, 1980,
8 may only be made from funds appropriated before the date of
9 enactment of the Act.

Passed the House of Representatives April 21, 1980.

Attest: EDMUND L. HENSHAW, JR.,
Clerk.

By THOMAS E. LADD,
Assistant to the Clerk.